

Refuting Extremism

Study Notes (no8)
Abu Saifillah 'Abdul Qadir

Note: The revision notes below should not be solely relied upon. They are to be utilised along with their corresponding explanations delivered during the lessons.

CHAPTER FOUR:

SAYINGS OF THE SALAAF AND THE SCHOLARS OF THIS UMMAH REGARDING JUDGEMENT BY OTHER THAN WHAT ALLAH REVEALED

As we have clarified in chapter two, the principles. That a Muslim is not pronounced a disbeliever in Allah except if he **denies or, rejects** something from the religion known by necessity, or makes *halaal* what Allah made *haram*, and *haram* what Allah made *halaal*. Or that he belittles the Sharī 'ah, or believes he has a choice in the matter of judging by other than what Allah has revealed.

Also that *kufr* (disbelief) is of two types: *Kufr Akbar*: which is major disbelief, or *kufr* in belief, that takes one out of the fold of Islam. And *kufr Asgar*: which is minor *kufr*, or *kufr* in action, that does not take one out of the fold of Islam.

And that a Muslim is not pronounced a disbeliever by his sayings, actions or belief until the proof is established against him.

And that all the explanations of the verse in Ma'aidah 44 are understood within the boundaries of all the principles mentioned in chapter two and do not exceed the five sayings discussed in chapter three.

So for the noble reader now, we will bring sayings from the *salaaf* and scholars after them, that affirm the above information regarding the issue of not judging by what Allah has revealed.

1: **Ali Ibn Abi Talha** narrates from **Ibn Abaas** in the *tafseer* of his (Allah) saying "...And whoever does not judge by what Allah reveals then such are the disbelievers". That which is the root in this issue he said is "Whoever **denies** what Allah reveals then he has disbelieved and whoever **accepts** it and does not judge by it then he is a *dhalim* (oppressor), *faasiq* (sinner).¹

2-6: Al-Qurtabi said: That **Ibn Masood** and **Al-Hassan** said "it is general for all that do not judge by what Allah has revealed, meaning **believing** in that and making it **halaal**."²

¹ Narrated by Ibn Jareer in his *tafseer* 19/357 No.12063 & in Ibn al Mundir & Ibn Abi Hatim. Also see Dur al Manthoor 3/87, and the Saheefa of Ali Ibn Abi Talha from Ibn Abaas 179. Imaam Ahmad said regarding this Saheefa "in Egypt there is a Saheefa of Tafseer narrated by Ali Ibn Abi Talha, if a man travels to Egypt with an intention to see it, that would be sufficient for him." Buccari use to rely on this Saheefa extensively for his collection of Authentic Ahadeeth in that which he narrated from Ibn Abaas. The truth is, that it is of the most authentic chains in the *tafseer* of Ibn Abaas, although Ibn Abi Talha did not hear them directly from Ibn Abaas. They were known by the middle narrators whom Ibn Abi Talha took them from. For indeed he did take them from Mujaahid and Ikrama so there is no defect in that. And Allah knows best.

² Al Jaami le Ahkaam il Quraan 6/190 and see Ahkaam ul Quraan lil Jassas 2/533.

Also **As-so`di** and **Ibraheem An-Nakae** said similar. ³

7: And **Mujaahid** said regarding these three verses: "Whoever leaves judging by other than what Allah revealed **rejecting** the book of Allah then he is a *kaafir*, (disbeliever) *dhaalim* (oppressor), *faasiq* (sinner). ⁴

8: And **Ikraama** said: "And whoever does not judge by what Allah reveals by **denial** of it has indeed disbelieved, and whoever **accepts** it and does not judge by it then he is a *dhaalim*, *faasiq*." ⁵

And Al-Khaazinu said in connection: "this is the saying of **Ibn Abbaas** also."

9: And what was mentioned above is also the opinion of **Az-Zajjaaj**. ⁶

10: **The Sheikhu Mufasireen At-Tabari** said: "The foremost of these sayings with me is the saying of those who said: These verses were revealed upon the *kuffar* from the people of the book. That is because of the information in the verses which come before it and after it, so upon them it was revealed. They are who were meant, by these verses and these verses bring information about them. So the fact that it brings information about them is to be taken foremost....." ⁷

11: And **Al-Fakhro Ar-Raazi** said: "Ikrama said: "his saying ...**Whoever does not judge by what Allah reveals** This is regarding the one who **rejects** with his **heart** and **denies** with his **tongue**. "As for one who knows with his **heart**, it is the law of Allah and he **accepts** upon his *tongue* that it is the law of Allah, but he comes with something which is in opposite to that then such a person **is a judge by what Allah has revealed** but he is one who has left it. (*Taarik lahu*) so he does not belong under these verses. And this is the correct saying, and Allah knows best." ⁸

12: **Az-Zamakshari** said: "**And whoever does not judge by what Allah reveals.....**" **despising** it "**Such are the disbelievers, and oppressors, and sinners**, a description for them because of their transgression in their disbelief." ⁹

13: And **Al-Qurtubi** said: meaning, *believing* in that, making that *haalal*. As for the one who does that whilst he believes that he is boarding something haraam then he is from the Muslims that sin. His affair is with Allah if He wishes He will punish him, or if He wishes He will forgive him." ¹⁰

14: And **Aboo So`ood** said: "meaning, whoever does not judge with that **despising rejecting**....." then such are the disbelievers " because of their **despise** of it ." ¹¹

15: And **Al-Nasafee** said "and whoever does not judge by what Allah has revealed, **scornfully**..., then such are the disbelievers." ¹²

³ See Tafseer At-Tabari 10/356-357

⁴ See Mukhtasir Tafseer Al-Khazini 1/310.

⁵ As above 10/310.

⁶ See Mukhtasir Tafseer al Kaazini 1/310

⁷ See Tafseer At Tabari 10/358.

⁸ See Tafseer Al Kabeer 6/6

⁹ Al Khashaaf 1/341

¹⁰ Al Jaame le Ahkaam al Quraan 6/190

¹¹ Tafseer Aboo Su`ood 2/64

¹² At-Tafseer An Nasfee 1/285

16: **Sheikh Aboo Mansoor** said: "it is permitted to mean **denial** in all the three verses so he would be a disbeliever, oppressor, and a sinner . This is because a complete sinner and a complete oppressor are disbelievers."¹³

17-25: **Aboo Bakr Al-Jassas** said: " and his (Allah) saying**And whoever does not judge by what Allah has revealed then such are the disbelievers.**"
"- It is not free from that its meaning is either: *kufru-shirk* (a disbelief that reaches the level of shirk) and *kufr ul johood* (denial), or *kufr-neama* (a disbelief of Allah`s blessings) without denial. So if its meaning is **denial** of Allah`s laws, or judging by other than it **claiming** that it is the law of Allah then this is *kufr* that takes one out the fold of Islam and its doer is an apostate if before that he was a Muslim. Upon this is the explanation, of the one who said: That it was revealed upon the children of Israel and applied upon us, meaning - the one who **denied** the law of Allah or judged by other than the law of Allah then said "this is the law of Allah "such a person is a disbeliever, just as he children of Israel disbelieved when they done just that. ¹⁴ Whilst if the meaning of it was *kufru-neama* (a disbelief of Allah s blessings) then the disbelief of Allahs blessings, may be because of not showing thanks to Allah for it without a denial, then its doer is not out of the fold of Islam. That which is apparent is the first meaning (disbelief of shirk and deniel) because of his usage of the word *kufr* upon the one who does not judge by what Allah reveals."¹⁵

26: **Al-Baydaawi** said: "... and whoever does not judge by what Allah reveals....` **despising**, in **rejection** of it `.....then such are the disbelievers" because of their **despise** for it and **arrogance** to judge by other than it. So that is why he described them by his saying "disbelievers" and "Oppressors" and "sinners." Their disbelief was because of their **rejection** of it, and their oppression because of their judging in opposition to it, and their sin because of their transgression from it."¹⁶

27: The **explainer of At-Tahaawi** said: "here is an issue which is an obligation to be understood and that is judging by other than what Allah has revealed at times may be disbelief (*kufr*) that takes one out of the fold of Islam or at times it could be major sin or minor sin and it could be relative disbelief (*kufrul majaanee*) or minor disbelief (*kufr al-asghar*) and that depends on the condition of the leader:

-If he **believes** that judging by Allahs law is **not obligatory** or that he can **choose** or not to **choose** it or he **despises** it with awareness that it is the law of Allah then this is major disbelief.

-but if he **believes** that **it is an obligation** to judge by what Allah has revealed and he understood it in this situation, then did not judge by it with knowledge that he is deserving of punishment ,then he is a sinner. This is called relative disbelief or minor disbelief.¹⁷

28: **Ibn Al- Jowzi** said: "And the final conclusion:

¹³ At-Tafseer An-Nasfee 1/285.

¹⁴ (on this point it is imperative that we add the names of those who are of this saying which we found to be many, from them are **Al - Barra, Hudaayfa, Dhahaak, Qataada, Aboo Saalih, Aboo Majliz, Abaidullah bin Abdullah bin Utbaa bin Masood, Aboo Ya`la Al-Faraai**, so all these said that these verses are specific for the people of the book. These eight names will now be added to the list making so far a total of twenty five sayings of the scholars).

¹⁵ Ahkaam ul Quraan of Al-Jassas 2/439.

¹⁶ At-Tafseer ul Baaydaawi 1/268.

¹⁷ Al-Aqeeda at Tahaawia p-323-324 With checking by Sheikh Naasir ud Deen Al-Albaanee

That whoever does not judge by Allah law **denying** it whilst he knows that Allah revealed it just as the Jews done then such a person is a disbeliever (kaafir). And whoever does not judge by Allahs law leaning toward desire without denial then he is an oppressor (dhaalim), sinner (faasiq). Ali Ibn Abi Talha narrates from Ibn Abass that he said "whoever *denies* what Allah has revealed then he has disbelieved and the one who *accepts* it but does not judge by it then he is an oppressor (dhaalim) sinner (faasiq)." ¹⁸

29: **Shiekh ul Islaam Ibn Taymiyyah** said: "There is no doubt that whoever *does not believe in the obligation* of judging by what Allah has revealed upon his messenger then he is a disbeliever. So whoever *deems it permissible* to judge between the people by what he sees to be justful without following what Allah has revealed then he is a Disbeliever. For there is no *Ummah* except that they have to order to judge with justice whilst the justice in its religion may be what their respected people see to be correct. Furthermore many of those who originate themselves to Islam judge by their customs which Allah did not reveal, like the orders of those tribal leaders in the deserts and those obeyed amongst them and they see that, this is what is desirable to judge by, without the book and the *sunnah* and this is *kufr* (disbelief).

For indeed many of the people embrace Islam but along with this they do not judge except by their known customs and orders given to them by their leaders so these people if they knew that it was not permissible to judge except by what Allah reveals and they did not adhere to that, rather *they made permissible* to judge in opposition to what Allah reveals so they are the disbelievers, if not then they are ignorant." ¹⁹

And he also said:

"Mankind, when he makes **halaal** what there is consensus upon that is **haraam**, Or makes **haraam** what there is consensus upon that is **halaal**, or **changes** the legislation which there is consensus upon. He is a disbeliever apostate by consensus of the jurists and upon this similitude was revealed his (Allah) saying upon one of the two sayings: "**And whoever does not judge by what Allah reveals then such are the disbelievers**" meaning he makes **halaal** the judging by other than what Allah reveals." ²⁰

30: **The learned Imam Ibnul Qayyim al Jowzi** (rahimahullaah) said: "That which is correct is -judging by other than what Allah reveals includes two types of *kufr* (disbelief): Minor and Major dependent upon the condition of the judge (leader).

So if he **believes in the obligation** of judging by what Allah revealed in this incident then abandoned it out of disobedience with awareness that he deserves to be punished then this is *kufr al asghar* (minor disbelief). But if he **believes that it is not obligatory** or he **has a choice** in the matter with his understanding that it is indeed the law of Allah then this is *kufr al akbar* (major disbelief). If he is ignorant of it or made a mistake in it, then he is one who made a mistake he has the ruling of those who make mistakes." ²¹

31: And **Al-Haafidh Ibn Katheer** (rahimahullaah) said: "...And those that do not

¹⁸ Az-Zaad ul Maseer 2/366.

¹⁹ Al-Minhaaj As Sunnah an Nabawia 5/130.

²⁰ Majmoo al Fatawa Shiek ul Islaam 3/267.

²¹ Madaarij as Saalikeen 1/337.

judge by what Allah has revealed then such are the disbelievers "because they **denied** the law of Allah **intentionally, in opposition and deliberately**. He said right here "...then such are the oppressors "because they did not treat without discrimination the oppressed from the oppressor in the matter where Allah ordered with justice and equality between all. So they differed and oppressed and transgressed." ²²

32: The learned one of Shaam **Ash-Sheikh Jammal ul Kaasimi** (rahimahullaah) said: "disbelief of a leader that does not judge by what Allah has revealed with restricting **despise** and **denial to it**, this is the direction which many had taken and were more impressed by, from Ikrimah and Ibn Abbaas." ²³

33: And **As- Saahib ul Manaar** ²⁴ (rahimahullaah) said: "and many of the Muslims have introduced legislations, and rulings like those before them had introduced, and they abandoned- with judging by it - some of what Allah had revealed upon them. As for those who abandon what Allah had revealed in his book from the rulings without *false* interpretation and they **believe** in its authenticity. Then it is truly upon them, what Allah said in the three verses or in some of them. They are all accounted for, based upon their condition:

- So whoever turns away from the ruling of punishment for theft or false accusation of fornication, or fornication, not submitting to it because of his **dislike of it, and preference** of other than it from the legislation of man then he is a *clear kaafir* (disbeliever).
- And whoever does not judge by it *due to other faults* then he is a *dhaalim* (oppressor) if in that was the neglecting of rights, or abandonment of justice and equality in it, *if not* then he is a *faasiq* (sinner) only.

Indeed we see many of the religious Muslims **believing**, that the civil magistrate courts which judge with the kuffaar laws, as being disbelievers (*kuffar*) taking the apparent meaning of the verse "And whoever does not judge by what Allah reveals then such are the disbelievers." and they necessitate by their renouncing of *takfeer* on the judge - the one who rules by the laws of the kuffar - the *takfeer* of the leaders, and those in authority who implement the laws of the kuffar. For, if it was not written with their knowledge, then surely it was placed with their permission, and they are the ones who appoint the judges to rule by it. As for the apparent meaning of the verse then no one from the well known scholars of *fiqh* has ever said it to mean that, rather no one had ever said that at all. !!! ²⁵

34: And the **Sheikh Aboo Hibbatu Allah Ismaael bin Ibraheem Al-Isaredee** may Allah have mercy upon him said:

"And whoever does **not believe** in the **obligation** of judging by what Allah has revealed upon his messenger, and *made permissible* to judge between the people by that which he sees to be justice, **without adhering** to what Allah has revealed then he is a disbeliever.....so these people if they knew that it was not permissible to judge except by that which Allah had revealed and then did not adhere to that, rather they made it **permissible** to rule in opposition to what Allah has revealed then they are disbelievers, **otherwise** they are ignorant, astray, and they do not know." ²⁶

²² Tafseer ul Quraan al Adheem 2/61.

²³ Muhaasin at Ta' weel 6/1998.

²⁴ His name is Mohammad Rasheed Ridha died 1353 hj

²⁵ Tafseer ul Mannaar 6/405-406.

²⁶ Tahdheer Ahlul Imaan unil Hukm bi ghairi maa unzal Rahmaan. P-141

35: **His excellence the Sheikh Ash-Shanqitee** - may Allah have mercy upon him said:

"So know that the liberating stance in this study is that kufar, dhulm, and fisq (disbelief, oppression, and sin) each one of them is expressed in the *shariah* to sometimes give a meaning of sin, and sometimes give a meaning of kufr that takes one outside the fold of Islam.

- So whoever does not judge by what Allah has revealed *in opposition to the messenger* and invalidating the rules of Allah then his oppression, sin, and disbelief all of them takes him *out* of the fold of Islam.
- And whoever does not judge by what Allah has revealed **believing that he has boarded that which is haram (impermissible) and is ugly**. His disbelief, oppression, and sin are *not* of that which takes him *out* of the fold of Islam."²⁷

36: His excellence the **Sheikh As-Sa'dee** may Allah have mercy upon him said:

"Judging by other than what Allah has revealed is from the actions of the people of disbelief. It maybe the disbelief that takes one out the fold of Islam, and that is if he **believes in its permissibility and its allowance**. And sometimes it maybe a major sin , and from the actions of disbelief that the doer may deserves a fierce punishment`And whoever does not judge by what Allah reveals then such are the disbelievers... ` Ibn Abbaas said: kufr doona kufr (a disbelief less than the disbelief that takes one out of the fold of Islam), and dhulm doona dhulm (an oppression less than that which takes one out of the fold of Islam), and fisq doona fisq (sin less than that which takes one out of the fold of Islam). So it is a major oppression when it is *made permissible*, and a great major sin when it is done **without** it being made **permissible**."²⁸

37 : The Mujadid of the religion, the Imaam of the Ahla- Sunna wa al jamat **Abdul Aziz bin Abdallah bin Baaz** may Allah increase his days with us and benefit us by his knowledge, and give him the best of rewards in all his efforts for Islam and the Muslims. He said:

"whoever judges by other than what Allah has revealed then he does not go out of four positions:

1) One who says that I judge by this because it is **better** than the Islamic Shari'ah then he is a disbeliever *kufar al Akbar* .

2) One who says that I judge by this because it is like the Islamic Shari'ah and judging by this is *permissible* just as judging by the Shariah is **permissible**. He is a disbeliever *kufar al Akbar*.

3) One who says that I judge by this and the ruling of the Islamic Shari'ah is **better**, but the judging by other than what Allah has revealed is **allowed**. He is a disbeliever *kufar al Akbar*.

4) One who says that I judge by this whilst he **believes** that judgment by other than what Allah has revealed is not allowed and he says: that the judgment of the Islamic *Shariah* is **better**, and it is **not permissible** to judge

²⁷ Adwaa al Bayaan 2/104.

²⁸ Tayseer ul Kareem ur Rahmaan p-2/296-297.

by other than it, but he is easy in the matter, or he does this because of an order issued from his government. He is a disbeliever with *kufr al asghar* minor disbelief that does not take him out of the fold of Islam and it is considered to be from the greatest of major sins.”²⁹

38: This saying has also come from the Muhadith of our time, the faqeh, the Imaam, the mujadid of Islam, the learned **Sheikh Naasirud-deen Al-Albaanee**, may Allah protect him, make him a source of benefit, and may Allah reward him with the best reward for his efforts with Islam and the Muslims.³⁰

The opinion of the Sheikh was clearly published in the newspapers: `As-Sharq ul Awsaat` and Al Muslimoon. The Noble sheikh Ibn Baaz commented on the opinion of Sheikh Al-Albaanee and affirmed it in the above mentioned newspapers by his saying:

`I have seen the beneficial reply which his eminence the Sheikh Naasirud-Deen Al Albaneer had produced which was publicized in the newspapers: `As Sharq ul Awsaat` and Al Muslimoon. Which his eminence replied as an answer for the Questioner regarding Takfeer of the one `who does not judge by what Allah has revealed without explanation. I call it a valuable speech for indeed he spoke the truth, followed and clarified the path of the believers may Allah grant him ability. He made clear that it is not permissible for anyone to judge someone who judges by other than Allah law based just upon his action without finding out did he make it **halal** by his **heart**, and he brought of evidence for that, what was narrated by Ibn Abaas (radiyallaahu anhu) and other than him from the salaf of this Ummah...`³¹

39: Then the speech of the two scholars³² was read to the **Imaam, the Sheikh Ibn Uthaimeen** who approved of it and strengthened it.

So all these are the sayings of the scholars of old and present. We find no difference between the early scholars and our contemporary scholars, in this dangerous issue of Takfeer. Nothing remains after the truth except falsehood

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²⁹ Qadiat tu Takfeer baina Ahli Sunnah wa firq ud dalaala p-72-73.

³⁰ See the cassette `Fitna tu Takfeer` and others from the recordings of the noble brother Aboo Layla Al Athery.

³¹ As-Sharq ul Awsaat No. 6157 dated 12/1416 hj

³² Shiek Ibn Baaz and Sheikh Al-Albaanee.